1781551N25A - SH-AD-32A (OPES) (4/91)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: March 31, 2004

EXECUTIVE FORCE REVIEW COMMITTEE
POLICY ASSESSMENT
DISPOSITION SHEET

FILE NO: #2087112

FROM: JOHNNY G. JURADO, COMMANDER
ROBERT L. BINKLEY, COMMANDER
MICHAEL G. SAVIDAN, COMMANDER

TO: ERIC B. SMITH, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: [redacted] DEPUTY #[redacted]
BARRACLOUGH, KASON, DEPUTY #[redacted] CENTURY STATION, FOR II
BAYES, ROBERTO, DEPUTY #[redacted] SAFE STREETS BUREAU, OHS
ROGGE, BRIAN, DEPUTY #[redacted] SAFE STREETS BUREAU, OHS

On May 1, 2003, Deputies [redacted] Barraclough, Bayes, and Rogge were conducting a stolen vehicle investigation when they discovered two males inside a nearby parked vehicle. While they were attempting to detain the two males, the driver, Macario Martinez, drove the vehicle at and struck Deputy [redacted] Deputy [redacted] was forced to jump onto the hood of the car, then fell from the hood of the car as Martinez continued to drive forward. The vehicle continued to turn directly at Deputy [redacted] who fired his duty weapon at Martinez. The other three deputies all perceived the danger to Deputy [redacted] and fired their weapons at Martinez to stop him from assaulting Deputy [redacted] Martinez was struck several times in the upper torso and was pronounced dead at the scene. The passenger, Julio Nuno, was struck in the arm and groin and was hospitalized.

On March 25, 2004, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards. Concerning:

3-01/025.00, Use of Force, 3-01/025.30, Use of Firearms and Deadly Force, and 3-01/025.10, Unreasonable Force, the Committee determined that the force used by all deputies was reasonable and necessary and in compliance with Department policy.

3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy. The Committee directed that tactical issues raised during the meeting be discussed with the involved personnel during a tactical debriefing of

the incident with the Unit Commander. The Committee also directed the Unit Commander ensure that all involved personnel attend updated tactical training.

Johnny G. Jurado, Commander

Table of Contents

SH #2087112

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
02/02/2004	FORII/Century	☐	☒

Incident Information

URN: 003-0779702199-013	Date: 04/30/2003 Time: 2350
City or Station: Century Station	Nature of Incident: While conducting a GTA investigation, the suspect drove at Deputy [redacted] striking him with the car . When he attempted to assault Deputy [redacted] a second time, the deputies shot, killing the driver and wounding the passenger of the suspect vehicle.
Location: 58th Street and Central, Los Angeles	

Location Type (*circle one or more*):
- Backyard
- Beach
- Business
- Freeway
- Industrial
- Park
- Parking Lot
- Residence
- Rural
- School
- **Street** (circled)
- Other: ______

Lighting (*circle only one*):
- **Darkness** (circled)
- Daylight
- Other
- Street Lights

Weather (*circle only one*):
- **Clear** (circled)
- Cloudy
- Fog
- Rain

Distance:

Incident Type (*circle one or more*):
- Accidental
- **Armed Person** (circled)
- **Fleeing Suspect** (circled)
- Foot Pursuit
- Gun Take Away
- **Moving Vehicle** (circled)
- Sniper/Ambush
- Startle
- Struggle Involved
- Traffic Stop
- Unarmed Person
- Unintentional
- Vehicle Pursuit
- Warrant Service
- Other: S/armed with vehicle

Initiated by (*circle only one*):
- Arrest Warrant
- Call
- **Observation** (circled)
- One Person Unit
- Other
- Search Warrant
- Two Person Unit

Prior Activity (*circle only one*):
- Detective
- Inmate Transport
- Other
- **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
19	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I.
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph. [redacted]
Last Name [redacted]		First Name [redacted]		M.I. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph. [redacted]
Last Name [redacted]		First Name [redacted]		M.I. [redacted]
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph. [redacted]	Home Ph. [redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Marquez	Ron		**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Young	Suzan	E

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Williams	Ronald	D

PSTD Use Only
SH # SH #2087112

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 003-0779702199-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05/01/2003	0200		

Employee #	Last Name	First Name	M.I
[redacted]	Seno	Bennett	
[redacted]	Gregg	Larry	R.
[redacted]	Harris	John	W.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OV	ZZ				AB	KN
E#1	S#1	FH	BR	9	Y	Y	DH	SH
E#2	S#1	FH	BR	9	Y	Y	DH	AR
E#3	S#1	FH	BR	9	Y	Y	DH	
E#4	S#1	FH	BR	9	Y	Y	DH	
E#1	S#2	FH	BR	9	Y	Y	GS	AR
E#2	S#2	FH	BR	9	Y	Y	GS	GR
E#3	S#2	FH	BR	9	Y	Y	GS	GR
E#4	S#2	FH	BR	9	Y	Y	GS	AR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 003-0779702199-013

Involved Employee

E 1

- Employee # [redacted] Last Name [redacted] First Name [redacted] M.I. [redacted]
- Sex: [redacted] Race: [redacted]
- Rank: Deputy Sheriff
- Unit [redacted]
- Work Assignment (Unit #, [redacted]
- ShiftTime (*circle only one*): [redacted]
- ShiftType (*circle only one*): [redacted]
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #
- Interviewed? ☒
- Hrs of sleep prior to shooting: 8 hours
- Duty [redacted]
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **Uniform w/ Vest**
- Other Factors:
- Age: [redacted] Height: [redacted] Weight: [redacted]
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.
- Field Training Officer Emp # Last Name First Name M.I.

E 2

- Employee # [redacted] Last Name: Barraclough First Name: Kason M.I.: D.
- Sex: M Race: W
- Rank: Deputy Sheriff
- Unit Assignment: Century Station
- Work Assignment (Unit #, Module, etc.): 217E
- ShiftTime (*circle only one*): EM **PM** Day
- ShiftType (*circle only one*): **Regular** Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #
- Interviewed? ☒
- Hrs of sleep prior to shooting: 8 hours
- Duty [redacted]
- Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / **Uniform w/ Vest**
- Other Factors:
- Age: [redacted] Height: 6'02" Weight: 210
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.

E 3

- Employee # [redacted] Last Name: Bayes First Name: Roberto M.I.: E.
- Sex: M Race: W
- Rank: Deputy Sheriff
- Unit Assignment: SSB
- Work Assignment (Unit #, Module, etc.): Century GET
- ShiftTime (*circle only one*): EM **PM** Day
- ShiftType (*circle only one*): **Regular** Overtime Off Duty
- Intoxication/Drug Usage? ☐
- Substance Used:
- Hospital Admission? ☐
- Hospital Name:
- Coroner Case? ☐
- Coroner Case #
- Interviewed? ☒
- Hrs of sleep prior to shooting: 7-9
- Duty Time (hrs):
- Clothing (*circle only one*): Plain Clothes no Vest / **Raid Jacket w/ Vest** / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest
- Other Factors:
- Age: [redacted] Height: 5'10" Weight: 210
- Range Qualification Date: [redacted]
- PPC Qualification Date: [redacted]
- Laser Training Date: [redacted]
- Certified with Weapon Used? [redacted]
- Patrol Certification? [redacted]
- Certification Unit: [redacted]
- Prior Shootings? [redacted]
- Number of Prior Shootings: [redacted]
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.
- Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 003-0779702199-013

Involved Employee

E 4

Employee # [redacted]	Last Name: Rogge		First Name: Brian	M.I.: E.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: SSB	Work Assignment (Unit #, Module, etc.): Century GET	
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☒
Hrs of sleep prior to shooting: 6-8	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, (Raid Jacket w/ Vest), Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:	
Age: [redacted] Height: 5'09"	Weight: 177			
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted]	Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]		First Name [redacted]	M.I.

E__

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:	
Age: Height:	Weight:			
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐	Number of Prior Shootings:
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

E__

Employee #	Last Name		First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):	
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:	
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #	Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:	
Age: Height:	Weight:			
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐	Number of Prior Shootings:
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.I.

Officer Involved Shooting Suspect Information

URN: 003-0779702199-013

Suspect Information

S 1

Last Name: Martinez		First Name: Macario	M.I.: J.
AKA Last Name: Marky- Night Owl		First Name:	M.I.:
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 20 D.O.B. 02/05/1983	Height: 5'10" Weight: 150	FBI #: [redacted]	CII #: [redacted]
Booking #: N/A	Primary Charge:	Secondary Charge:	
Coroner Case? [X]	Coroner Case #: 2003-03287	Intoxication/Drug Usage? [X]	Substance Used: Cocaine
Armed? [X]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make: Kia		Model: Spectra	Year: 2002

S 2

Last Name: Nuno		First Name: Julio	M.I.: C
AKA Last Name:		First Name:	M.I.:
Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 19 D.O.B. 09/16/1984	Height: 5'06" Weight: 120	FBI #:	CII #: [redacted]
Booking #: 7916-085	Primary Charge: 487 (D) (1) PC (convicted)	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [X]	Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make: Kia		Model: Spectra	Year: 2002

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

/ul



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

October 20, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. 03-0340
L.A.S.D. File No. 003-07797-2199-013

Dear Captain Merriman:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 1, 2003, fatal shooting of Macario Jesus Martinez and non-fatal shooting of Julio Cesar Nuno by Deputies [redacted] Kason Barraclough, Robert Bayes and Brian Rogge. The evidence indicates that the deputies acted lawfully in self-defense and the defense of others.

The following analysis is based on reports and photographs prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, submitted to this office on August 6, 2003, by Detective Rick Graves. The District Attorney Command Post was notified of the shooting at 1:22 p.m. Members of the District Attorney Response Team, comprised of Deputy District Attorney Kraig St. Pierre and Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting, provided a walk-through of the scene, and participated in the interviews of civilian witnesses. Deputies [redacted] Barraclough, Bayes and Rogge gave compelled statements to investigators from the Los Angeles County Sheriff's Department. Their statements were paraphrased and considered as part of this analysis.

FACTUAL ANALYSIS

Late in the evening of Wednesday, April 30, 2003, [redacted] white 1989 Honda Accord, License [redacted] was stolen from the driveway of his home at [redacted] in the City of [redacted] lived at that address with [redacted] his [redacted] and others. The theft was reported to the Los Angeles County Sheriff's

Department. Shortly thereafter [redacted] accompanied by the [redacted] began to search for the car in the surrounding area.

Shortly after midnight, the car was found parked against the north curb of East 58th Street between South Naomi and Central Avenues. Elsewhere, [redacted] was in the process of reporting the theft to Deputies [redacted] and Kason Barraclough when he received a call telling him that the car had been found. He, along with [redacted] entered the Sheriff's patrol car so they could be taken to East 58th Street to identify and recover the car. Before driving to the location, Deputies [redacted] and Barraclough sought the back up of Deputies Bayes and Rogge who were on patrol together. The two patrol units went to the address on East 58th Street.

[redacted] identified his Honda right away. It appeared the Honda was in the process of being stripped. The deputies parked and exited their cars in order to look for possible suspects. After several minutes of searching, no suspect was found. They did learn, however, that the suspects might be on foot on the west side of Central Avenue. Deputies [redacted] and Barraclough drove to that area looking for a suspect but were unsuccessful and returned to East 58th Street.

When they returned, [redacted] noticed Deputies Bayes and Rogge looking inside some cars parked along the south curb line of East 58th Street diagonally across from the stolen Honda. [redacted] dropped off Deputy Barraclough and parked his patrol car further east on East 58th Street. When he exited he saw that Deputies Rogge, Bayes and Barraclough were surrounding a Kia brand automobile that was parked just behind a Ford Astro van against the south curb of East 58th Street. Deputies Barraclough and Rogge were standing on the driver's side of the Kia with Deputy Bayes on the passenger side. Although he could not see anyone inside the Kia, Deputy [redacted] decided to assist Deputy Bayes on the passenger side. As he moved closer, [redacted] was able to see that Macario Martinez, the driver, and Julio Nuno, the passenger, had their seats fully reclined and appeared to be sleeping.

To get to the passenger side, Deputy [redacted] stepped into the space between the front of the Kia and the rear of the Ford Astro Van. Just as he entered between the two cars, Macario Martinez sprang forward in his seat, turned the ignition, and shifted into gear. The engine surged immediately upon being started and the car lurched forward. Caught in the gap, Deputy [redacted] thought he was going to be run over. He quickly leapt on to the hood of the car as the Kia pulled northeast away from the curb. The momentum caused [redacted] to ride up to the base of the windshield and, seconds later, to fall off the car. [redacted] found himself in the middle of East 58th Street with the car still bearing down on him. As he moved to get out of the way, he heard the report of several firearms. He quickly drew his own handgun and, as he moved out of the way of the oncoming car, fired several times into the passenger compartment. The car made an arc across the street until it collided with the front driver-side quarter-panel of the stolen Honda. On impact the reverse lights of the Kia came on and the car began to reverse course until it slipped back into the same spot against the south curb.

All four deputies had fired at the Kia. When they stopped, medical attention was called and the occupants were attended to. Macario Martinez was pronounced dead at the scene. A subsequent toxicological analysis revealed the presence of cocaine in his system at the time of his death. Julio Nuno was taken to Martin Luther King Hospital where he was treated for one through-and-through gunshot wound to his left bicep muscle and a single gunshot wound to his groin. Doctors did not remove the bullet from the latter injury.

Deputy Rogge's, Deputy Bayes' and Deputy Barraclough's statements were largely the same as Deputy [redacted] version of events. All three explained to investigators how Martinez suddenly sprang forward, started the car, and began to drive. In seconds they each perceived a deadly threat to Deputy [redacted] and fired their respective weapons into the passenger compartment of the Kia in an effort to make it stop and prevent harm to Deputy [redacted]

[redacted] watched the entire event from a short distance away on East 58th Street. He saw the deputies approach the Kia and observed the two occupants appear to be sleeping. It was his opinion they were hiding from the deputies. [redacted] watched as the car started suddenly and moved out into the street. It was when the Kia struck Deputy [redacted] according to [redacted] that he heard a volley of several shots being fired. He watched as the Kia struck his Honda and reversed course back to its original position against the south curb.

Deputy [redacted] received minor abrasions as a result of the incident. The right knee area of his uniform pants was torn and the left knee area was stained with dirt or grime.

The Kia in which Martinez and Nuno were seated had been stolen from [redacted] on April 17, 2003 as it sat in her driveway in the City of [redacted]

In an interview with investigators, Julio Nuno admitted that he and Martinez stole [redacted] white Honda and were in the process of stripping it shortly before the deputies arrived. Nuno drove the Honda from the Negrete's driveway while Martinez drove the stolen Kia.

In 2002, [redacted]
That same year he was also [redacted]

CONCLUSION

The use of deadly force in self-defense or in the defense of another is permitted if it reasonably appears to the person claiming the right of self-defense, or the defense of another, that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731

The evidence gathered in this investigation shows that Deputy [redacted] was standing between the Kia and Ford Astro Van when Macario Martinez started the Kia's engine, shifted into gear and, with the engine surging, began to drive at [redacted] had no time to get out of the way and, in an instant, had to choose the lesser of two evils – being pinned between the cars or jumping on the hood of the Kia in order to avoid the deadly assault. He chose the latter and, for a time, rode on the hood until, seconds later, he rolled off into the center of East 58th Street. There, he again faced the prospect of being run over by Martinez. This time, along with his three partner deputies, he chose to defend himself. As he backed out of harm's way, [redacted] drew his department-issued semi-automatic handgun and, with his three partner deputies, fired at Martinez. Under these circumstances Deputy [redacted] was legally entitled to defend himself from the attack. Likewise, Deputies Barraclough, Rogge and Bayes were legally entitled to defend their partner from imminent harm or death. Their use of force was reasonable and lawful under the circumstances.

Our file is now closed and we will take no further action in the matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

KRAIG ST. PIERRE
Deputy District Attorney
(213) 974-5280

c: Deputy [redacted] # [redacted]
Deputy Kason Barraclough, # [redacted]
Deputy Robert Bayes, # [redacted]
Deputy Brian Rogge, # [redacted]